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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/818,158

03/14/97

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R0996-141

TM01/0403

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EXAMINER

VII, T

ART UNIT

PAPER NUMBER

2152

DATE MAILED:

04/03/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/818,158

Applicant(s)

Andrews et al

Examiner

Thong Vu

Group Art Unit

2152



☒ Responsive to communication(s) filed on Feb 2, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 38-74 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 38-74 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

1. The applicant arguments filed 02/02/2001 have been fully considered but they are moot in view of the new ground(s) of rejection.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action::

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38-74 are rejected under 35 U.S.C. § 103 as being unpatentable over Heath et al [Heath 6,006,034] in view of Martino [6,044,382]

3. As per claim 38, Heath discloses a apparatus, at least one processor, a memory, a computer program residing in the memory or an off line browser program, said computer program commencing to download a file referencing a plurality of components [Heath col 4 lines 28-48]

However Heath fails to teach said computer program dynamically prompting a user to select which of said plurality of components to download. Martino discloses a data transaction system wherein a server automatically prompts the user with a "Download Parameter Streams" command so that the user can load into form/menu memory (flash memory) from an external source the desired streams of menu and form data for the desired application ... The executive menu then will be automatically presented to the user for selection of the desired menu, form, or process [Martino col 17 line 65-col 18 line 17]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the server program automatically prompts a menu to user for select the download application as taught by Martino into the Heath's system in order to improve the data transaction between client/server in

the network.

4. As per claims 50,61 and 62, contain the same limitations that were addressed in rejecting claim 38.
5. As per claim 39, Heath-Martino disclose the computer program as a Web browser application [Heath col 3 lines 20-37]
6. As per claim 40, Heath-Martino disclose said file as HTML document [Heath col 7 lines 60-65]
7. As per claim 41, Heath-Martino disclose the component download selection mechanism, said component download selection mechanism dynamically creating a component download selection list when said file with said plurality of components is download as an inherent feature of download list [Heath col 2 line 35-55]
8. As per claim 42,Heath-Martino disclose computer program comprises a web browser and wherein said component download selection list is formed in a second pane of said web browser and displayed with said file as a design choice of web browser [Heath col 3 lines 20-37]
9. As per claim 43,Heath-Martino disclose the component download selection list is formed in a dialog box as inherent feature of menu [Martino col 17 line 65-col 18 line 17]
10. As per claim 44-47,Heath-Martino disclose the component download list is inserted into said file and displayed; file name; type of components; size of each components as the inherent features of the download catalog list [Heath col 4 lines 28-48]
11. As per claim 48,Heath-Martino disclose component download selection list includes a status item, said status item dynamically displaying the amount of each of said plurality of page components that has been downloaded [Heath col 4 lines 28-48]

12. As per claim 49,Heath-Martino disclose status item includes the percentage of a page component downloaded as inherent feature of download list [Heath col 4 lines 28-48]
13. Claims 51-60 contain the same limitations that were addressed in rejecting claims 38-49 above. By the same rationale applied above, claims 50-60 are rejected.
14. As per claim 63,Heath-Martino disclose a recordable media or video cassette recorder as inherent feature of CD-ROM [martion [col 8 line 61-col 9 line 7]
15. As per claim 64,Heath-Martino disclose a transmission media as inherent feature of Internet [heath abstract]
16. Claims 65-72 contain the same limitations that were addressed in rejecting claims 39-48 above. By the same rationale applied above, claims 65-72 are rejected.
17. Claims 73,74 contain the same limitations that were addressed in rejecting claims 38 and 39 above. By the same rationale applied above, claims 73,74 are rejected.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Mark Rinehart*, can be reached at (703) 305-4815.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks  
Washington, D.C. 20231

or faxed to :

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-7201 (for informal or draft communications, please label "PROPOSAL" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

*Thong Vu*

*Mar 31, 2001*

MEHMET B. GECKIL  
PRIMARY EXAMINER

